

REMARKS

In an Office Action dated September 24, 2004, the Examiner rejected all remaining claims, i.e., claims 1-5 and 7-11, under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,179,708 (Gyllstrom) in view of U.S. Patent 5,787,155 (Luna). In response to this Office action, Applicants are canceling claims 3, 4, 9, and 10, and amending claims 1, 2, 7, and 8. Applicants respectfully submit that, as amended, claims 1, 2, 5, 7, 8 and 11 should be held allowable.

Both Gyllstrom and Luna relate to strictly automatic processes. The processors for both of these patents are programmed and, in the case of Luna, are provided by circuit facilities for automatically responding to the reception of a message while processing another message. In contrast, in accordance with Applicants' teachings, the judgment of a "customer" can be used to modify the automatic processing of messages according to prescribed rules. Thus, for example, if a customer is receiving a message that he/she knows is not that important, but realizes, based on the notification that the new incoming message is much more important, that customer can signal for immediate delivery of the new message (claim 1). Conversely, if the reception of an important message is being threatened with an interruption by a preemptive level message that the customer realizes is likely to be less important, the customer can signal for the deferral of delivery of the preemptive level message. Such realizations are beyond the scope of the teachings of Gyllstrom and Luna.

In terms of the rejection of claim 1, the rejection does not cover nor do the cited references make obvious the added clause:

if said customer, responsive to said notifying, signals for immediate delivery of said message to said customer station, immediately delivering said message to said customer station;

In terms of claim 2, the cited prior art does not teach or suggest "unless the customer, responsive to said notifying, signals for a deferral of delivery of said message."

Applicants' amendments are fully supported by Fig. 3, blocks 305, 307, 331, 333 (immediate delivery) and deferral of delivery of preemption level messages (315, 317, 321), along with the description of that figure (page 8, bottom incomplete paragraph - page 10, top incomplete paragraph).

Claim 5 simply recites that the notification step can be applied only to messages at or above a predetermined precedence level. This restricts the customer's ability to request immediate delivery, but should result in fewer notification messages that are unlikely to be important. Presumably, in most cases, all preemptive level messages would still be notified, if the capability of claim 5 were to be implemented in a particular case, since the preemptive level messages are likely to be important.

Accordingly, Applicants respectfully submit that the subject matter of method claims 1, 2 and 5 should be held allowable.

Claims 7, 8 and 11 are apparatus claims corresponding to method claims 1, 2 and 5; the arguments for claims 7, 8 and 11 parallel those for claims 1, 2 and 5. Therefore, claims 7, 8 and 11 should be held allowable.

Therefore, Applicants respectfully request that the Examiner reconsider the grounds for rejection of the remaining claims, as amended, allow claims 1, 2, 5, 7, 8 and 11, as amended, and pass the application to issue.

If the Examiner feels that a voice or fax contact would help to advance the prosecution of this application, he is invited to contact Applicants' attorney at telephone number 630 469-3575.

Respectfully submitted
S. M. Garland et al.



by Werner Ulrich
Attorney for Applicants
Reg. No. 30810

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